



1654

PATENT ATTORNEY DOCKET NO. 013306-5003 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Applicati	ion of:)				
	Ian Du	ıncan RUBIN <i>et al</i> .)				
App	lication N	o.: 09/891,615)	Group Art Unit: 1654			
File	Filed: June 27, 2001 For: Extracts, Compounds And Pharmaceutical Compositions Hav Anti-Diabetic Activity And Their U)	Examiner: Michele C. Flood			
For:			_)				
		for Patents D.C. 20231						
Sir:								
RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL FORM								
1.		insmitted herewith is an Amendment and Response to the Restriction Requirement dated vember 29, 2002.						
2.	Addition	itional papers enclosed:						
	[] []	Information Disclosur Form PTO-1449 Citations	re Statement					
3.	. Extension of Time							
The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.								
[] Applicants believe that no extension of time is required.								
[X] Applicants petition for an extension of time, the fees for which are set out in 1.17(a), for the total number of months checked below:								
		Total Months Requested one month two months X three months	Fee for <u>Extension</u> \$ 110.00 \$ 410.00 \$ 930.00 \$1,450.00		[Fee for Small			

	If an additional extension of time is required, please consider this a Petition therefor.
[]	An extension for months has already been secured and the fee paid therefor of \$ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[x] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to **Deposit Account 50-0310.** This paragraph is intended to be a **CONSTRUCTIVE PETITION** FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Payment

- [X] The Commissioner is hereby authorized to charge \$930.00 for a three-month extension of time fee due to **Deposit Account No. 50-0310**.
- [] The Commissioner is hereby authorized to charge for any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to **Deposit Account 50-0310**.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 28, 2003

By:

Gregory T. Lowen, Ph.D.

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Sir:

PATENT //3/03

ATTORNEY DOCKET NO.: 013306-04-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re a	pplication of:	\) (j.
Ian Duncan RUBIN et al.)).	ı
Application No.: 09/891,615),	Group Art Unit: 1654
Filed:	June 27, 2001)	Examiner: Michele C. Flood
For:	EXTRACTS, COMPOUND PHARMACEUTICAL CO HAVING ANTI-DIABETI	MPOSITIONS)))	RECEIVED
	AND THEIR USE)	APR 0 3 2003
Commissioner of Patents and Trademarks Washington, D.C. 20231				TECH CENTER 1600/2900

AMENDMENT AND RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In Paper No. 8, Applicants responded to a Restriction Requirement mailed on August 27, 2002 by electing, with traverse, the claims 1-12, 18, 25, 29-30, 32 and 34 of Group I. In response to the Restriction Requirement mailed on November 29, 2002 (Paper No. 9), Applicants respectfully elect, without traverse, the compound of formula (1) as the single species and identify claims 1-12, 18, 25, 29-30, 32 and 34 as encompassing the elected species. A petition for fee payment for a three-month extension of time accompanies this Response.

REMARKS

Applicants were notified in Paper No. 9 that the application was transferred from Art Unit 1623 to Art Unit 1654 and that an election of a species requirement has been deemed necessary. Accordingly, the Examiner made a restriction requirement requiring election of a single disclosed species for prosecution on the merits and a listing of all claims readable thereon.

Applicants therefore elect, without traverse, the compound of formula (1) as the single

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